

THURSDAY, FEBRUARY 7, 2002

SEVENTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Sherman Tibbs, Unity Baptist Church, Mt. Juliet, Tennessee.

Representative Beavers led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Black; personal reasons.

Representative Garrett; personal reasons.

Representative Harwell; personal reasons.

Representative Turner (Hamilton); illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2631: Rep(s). Naifeh as prime sponsor(s).

ENROLLED BILLS

February 5, 2002

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2104.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

February 5, 2002

The Speaker signed the following: House Bill(s) No(s). 2104.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

February 5, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2104; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

February 5, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2019; also, Senate Joint Resolution(s) No(s). 491, 493, 495, 496, 500, 501, 502, 503, 505, 506, 507, 514 and 518 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

February 5, 2002

The Speaker signed the following: Senate Bill(s) No(s). 2019; also, Senate Joint Resolution(s) No(s). 491, 493, 495, 496, 500, 501, 502, 503, 505, 506, 507, 514 and 518.

MESSAGE FROM THE GOVERNOR
February 5, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 593, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, and 622, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
February 6, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 599, 619, 620, 621, 625, 626, 627, 628, 629, 630, 631, 632, 633 and 634, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
February 6, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2042, 2103 and 2104, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE
February 7, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2858; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Bill No. 2858 -- Sevier County - Subject to local approval, creates five school board districts of substantially equal population. by *Clabough. (HB2631 by *Montgomery, *Naifeh)

MESSAGE FROM THE SENATE
February 7, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 541; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 541 -- Memorials, Academic Achievement - Phi Theta Kappa. by *Miller J.

MESSAGE FROM THE SENATE
February 7, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 527, 528, 530, 532 and 533; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 527 -- Memorials, Death - W. D. (Bill) Manning, Mayor of Bradford. by *Carter, *Herron.

Senate Joint Resolution No. 528 -- Memorials, Recognition - WSM-AM. by *Henry, *Haynes, *Herron, *Kyle, *Williams, Sen..

Senate Joint Resolution No. 530 -- Memorials, Public Service - Fred and Kim Miller, Nashville chapter "Nurses for Newborns " program. by *Davis L, *Blackburn.

Senate Joint Resolution No. 532 -- Naming and Designating - "National Crime Victims' Rights Week", April 21-27, 2002. by *Burks, *Cooper J, *Williams, Sen., *McNally, *Kyle, *Herron, *Graves.

Senate Joint Resolution No. 533 -- Memorials, Death - Robert L. McElrath. by *Haun, *Henry, *Rochelle, *McNally.

BILLS REFERRED
February 6, 2002

Pursuant to **Rule No. 44**, the following bill(s) was/were referred to the following committee:

***House Bill No. 3026** -- Lottery – House Government Operations Committee

CONSENT CALENDAR
February 6, 2002

The following local bills have been placed on the Consent Calendar for **February 7, 2002**: House Bill(s) No(s). 2631.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Langster was recognized in the Well to introduce Mr. Gerald Nicely for remarks.

RESOLUTION READ

The Clerk read House Joint Resolution No. 632.

House Joint Resolution No. 632 -- Memorials, Retirement - Gerald F. Nicely. by *Langster, *Naifeh, *Pruitt, *Jones, S., *West, *Arriola, *Harwell, *Garrett, *DeBerry L, *Briley, *Jones U (Shelby), *Davidson, *Kisber, *Kent, *Head, *Hood, *Bone, *Ferguson.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Resolution No. 207 -- Court Rules - Approves amendments and revisions to Tennessee Rules of Evidence promulgated by supreme court. by *Buck, *Briley, *Scroggs, *Sands.

House Judiciary Committee

House Resolution No. 208 -- Court Rules - Approves amendments and revisions to Tennessee Rules of Criminal Procedure promulgated by supreme court. by *Buck, *Briley, *Scroggs, *Sands.

House Judiciary Committee

House Resolution No. 209 -- Court Rules - Approves amendments and revisions to Tennessee Rules of Civil Procedure promulgated by supreme court. by *Buck, *Briley, *Scroggs, *Sands.

House Judiciary Committee

House Joint Resolution No. 680 -- Naming and Designating - William Edward Hooper, Bard Laureate of State of Tennessee. by *Hagood, *Buttry, *Dunn, *Tindell, *Bittle, *Armstrong, *Boyer.

House State and Local Government Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 11, 2002:

House Resolution No. 210 -- Memorials, Academic Achievement - Jonmichael Dearmond, National Young Leaders Conference participant. by *Godsey, *Mumpower.

House Resolution No. 211 -- Memorials, Recognition - Reverend Kevin L. Barrett. by *Rowland.

House Joint Resolution No. 681 -- Memorials, Public Service - Commissioner Dorothy B. Shell. by *Langster, *DeBerry L, *Naifeh, *Turner (Shelby), *Bowers, *Ridgeway, *Davidson, *Armstrong, *Jones, S., *Miller L, *Jones U (Shelby), *Phelan, *Brooks, *Garrett, *Brown, *Arriola, *Lewis, *Cooper B, *Towns, *Harwell, *Vincent, *Todd, *Kent, *Rhinehart, *Turner (Hamilton), *Pruitt.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 11, 2002:

Senate Joint Resolution No. 541 -- Memorials, Academic Achievement - Phi Theta Kappa. by *Miller J.

Senate Joint Resolution No. 527 -- Memorials, Death - W. D. (Bill) Manning, Mayor of Bradford. by *Carter, *Herron.

Senate Joint Resolution No. 528 -- Memorials, Recognition - WSM-AM. by *Henry, *Haynes, *Herron, *Kyle, *Williams, Sen..

Senate Joint Resolution No. 530 -- Memorials, Public Service - Fred and Kim Miller, Nashville chapter "Nurses for Newborns " program. by *Davis L, *Blackburn.

Senate Joint Resolution No. 533 -- Memorials, Death - Robert L. McElrath. by *Haun, *Henry, *Rochelle, *McNally.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3207 -- Hawkins County - Subject to local approval, increases board of education from five to seven, one to be elected from each of seven county commission districts. Amends Chapter 129 of the Private Acts of 1939. by *Givens.

House Bill No. 3208 -- Byrdstown - Subject to local approval, rewrites charter. Amends Chapter 815 of the Private Acts of 1917; as amended. by *Winningham.

House Bill No. 3209 -- Fayetteville - Subject to local approval, conforms City of Fayetteville charter provision concerning property voting rights of nonresident municipal property owners to general law. Amends Chapter 294 of the Acts of 1903; as amended. by *Phillips.

House Bill No. 3210 -- Tipton County - Subject to local approval, restructures Tipton County board of education from seven to nine members coterminous with county legislative districts. - Repeals Chapter 378 of the Private Acts of 1947. by *Naifeh.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3212, 3213, 3214 and 3215, was/were referred to the Delayed Bills Committee.

House Bill No. 3212 -- Appropriations - Makes appropriations for fiscal years beginning July 1, 2001 and July 1, 2002. by *McDaniel, *Kisber. (*SB3165 by *Henry)

House Bill No. 3213 -- Bond Issues - Authorizes issuance of bonds to fund state projects for fiscal year 2002-2003. by *McDaniel, *Kisber. (*SB3166 by *Henry)

House Bill No. 3214 -- Appropriations - Authorizes index of appropriations from state tax revenues for fiscal year 2002-2003 to exceed index of estimated growth of state's economy by \$1,065,000,000 or 12.58 percent. Amends TCA Title 9, Chapter 4, Part 52. by *McDaniel, *Kisber. (*SB3167 by *Henry)

House Bill No. 3215 -- Budget Procedures - Transfers unexpended balance of funds in inactive reserve, Industries for Blind, to state general fund effective June 30, 2002. - TCA Title 13, Chapter 23. by *McDaniel, *Kisber. (*SB3168 by *Henry)

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2011** -- Court Rules - Deletes statute that incorporates rules of practice of chancery court into code. Amends TCA Title 21, Chapter 1. by *Person. (HB2157 by *Buck, *Brooks, *McMillan)

***Senate Bill No. 2037** -- Sunset Laws - Information systems council, June 30, 2008. Amends TCA Title 4, Chapter 3 and Title 4, Chapter 29. by *Harper. (HB2723 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2038** -- Sunset Laws - Home improvement commission, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 37. by *Harper. (HB2720 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2040** -- Sunset Laws - Employee suggestion award board, June 30, 2008. Amends TCA Title 4, Chapter 27 and Title 4, Chapter 29. by *Harper. (HB2722 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2044** -- Sunset Laws - Department of general services, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Harper. (HB2731 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2047** -- Sunset Laws - Center for earthquake research and information, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 8. by *Harper. (HB2728 by *Kernell, *Brooks, *Cooper B)

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***Senate Bill No. 2048** -- Sunset Laws - Collateral pool board, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 9, Chapter 4. by *Harper. (HB2729 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2070** -- Sunset Laws - State family support council, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 5. by *Harper. (HB2709 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2078** -- Sunset Laws - Tennessee dairy promotion committee, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 44, Chapter 19. by *Harper, *Davis L. (HB2743 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2091** -- Sunset Laws - Child care advisory council, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 1. by *Harper. (HB2762 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2112** -- Sunset Laws - Tennessee code commission, June 30, 2008. Amends TCA Title 1, Chapter 1 and Title 4, Chapter 29. by *Harper. (HB2735 by *Kernell, *Brooks, *Cooper B)

Senate Bill No. 2404 -- Statutes - Codifies public acts of 2001. by *Wilder. (*HB2109 by *Davidson, *Buck)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2925 -- Taxes, Gasoline, Petroleum Products -- House Transportation Committee

***House Bill No. 2926** -- Taxes, Gasoline, Petroleum Products -- House Transportation Committee

House Bill No. 2927 -- Wilson County -- Local Bill Held on House Desk

House Bill No. 2928 -- Agriculture -- House Judiciary Committee

***House Bill No. 2929** -- Real Property -- House Judiciary Committee

House Bill No. 2930 -- Business and Commerce -- Caption Bill Held on House Desk

***House Bill No. 2931** -- Taxes, Privilege -- Caption Bill Held on House Desk

House Bill No. 2932 -- Criminal Procedure -- House Judiciary Committee

House Bill No. 2933 -- Criminal Procedure -- House Judiciary Committee

***House Bill No. 2934** -- Education -- House Education Committee

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House Bill No. 2935 -- Education -- House Education Committee

House Bill No. 2936 -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 2937** -- State Government -- House Finance, Ways and Means Committee

***House Bill No. 2938** -- Insurance Companies, Agents, Brokers, Policies -- Caption Bill Held on House Desk

***House Bill No. 2939** -- Cosmetology -- House Government Operations Committee

***House Bill No. 2940** -- Alcoholic Beverages -- House State and Local Government Committee

House Bill No. 2941 -- Corporations, For Profit -- House Judiciary Committee

***House Bill No. 2942** -- Taxes, Sales -- House Finance, Ways and Means Committee

House Bill No. 2943 -- Education, Higher -- House Education Committee

***House Bill No. 2944** -- Public Contracts -- House State and Local Government Committee

House Bill No. 2945 -- Emergency Communications Districts -- House State and Local Government Committee

House Bill No. 2946 -- Taxes, Real Property -- Caption Bill Held on House Desk

***House Bill No. 2947** -- Business and Commerce -- House State and Local Government Committee

House Bill No. 2948 -- Accountants -- House Government Operations Committee

House Bill No. 2949 -- Accountants -- House Government Operations Committee

House Bill No. 2950 -- Health Care -- House Government Operations Committee

House Bill No. 2951 -- Hospitals and Health Care Facilities -- House Government Operations Committee

House Bill No. 2952 -- Hospitals and Health Care Facilities -- House Government Operations Committee

***House Bill No. 2953** -- Tennessee Regulatory Authority -- House Commerce Committee

House Bill No. 2954 -- Radio and Television -- House State and Local Government Committee

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House Bill No. 2955 -- TennCare -- House Commerce Committee

House Bill No. 2956 -- Financial Responsibility Law -- House Transportation Committee

House Bill No. 2957 -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 2958 -- Financial Responsibility Law -- House Transportation Committee

House Bill No. 2959 -- Hospitals and Health Care Facilities -- House Judiciary Committee

***House Bill No. 2960** -- Sewage -- House Conservation and Environment Committee

***House Bill No. 2961** -- Boards and Commissions -- House Finance, Ways and Means Committee

House Bill No. 2962 -- Zoning -- House State and Local Government Committee

House Bill No. 2963 -- Taxes, Real Property -- House State and Local Government Committee

House Bill No. 2964 -- Banks and Financial Institutions -- House Judiciary Committee

***House Bill No. 2965** -- County Government -- Caption Bill Held on House Desk

***House Bill No. 2966** -- County Government -- House State and Local Government Committee

***House Bill No. 2967** -- Deeds -- House State and Local Government Committee

***House Bill No. 2968** -- Child Custody and Support -- House Children and Family Affairs Committee

***House Bill No. 2969** -- Taxes, Ad Valorem -- House State and Local Government Committee

***House Bill No. 2970** -- Highway Signs -- House Transportation Committee

***House Bill No. 2971** -- Motor Vehicles -- House Transportation Committee

***House Bill No. 2972** -- Tort Liability -- House Judiciary Committee

***House Bill No. 2973** -- Radio and Television -- House State and Local Government Committee

***House Bill No. 2974** -- Medical Occupations -- House Health and Human Resources Committee

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House Bill No. 2975 -- Bristol -- Local Bill Held on House Desk

House Bill No. 2976 -- Alcoholic Beverages -- House State and Local Government Committee

House Bill No. 2977 -- Alcoholic Beverages -- House State and Local Government Committee

House Bill No. 2978 -- Hazardous Materials -- House State and Local Government Committee

House Bill No. 2979 -- Damages -- House Judiciary Committee

House Bill No. 2980 -- Chiropractors -- House Health and Human Resources Committee

House Bill No. 2981 -- Medical Occupations -- House Health and Human Resources Committee

***House Bill No. 2982** -- Insurance Companies, Agents, Brokers, Policies -- House Commerce Committee

House Bill No. 2983 -- TennCare -- House Commerce Committee

House Bill No. 2984 -- Education -- House Education Committee

***House Bill No. 2985** -- Highways, Roads and Bridges -- House Transportation Committee

***House Bill No. 2986** -- Taxes -- Caption Bill Held on House Desk

House Bill No. 2987 -- Taxes, Privilege -- House Finance, Ways and Means Committee

***House Bill No. 2988** -- Taxes -- Caption Bill Held on House Desk

***House Bill No. 2989** -- Child Custody and Support -- House Judiciary Committee

***House Bill No. 2990** -- Courts, Juvenile -- House Children and Family Affairs Committee

***House Bill No. 2991** -- Appropriations -- House Finance, Ways and Means Committee

***House Bill No. 2992** -- State Employees -- House State and Local Government Committee

***House Bill No. 2993** -- Solid Waste Disposal -- House State and Local Government Committee

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House Bill No. 2994 -- Zoning -- House State and Local Government Committee

***House Bill No. 2995** -- Taxes, Privilege -- House Finance, Ways and Means Committee

***House Bill No. 2996** -- Water -- House Conservation and Environment Committee

***House Bill No. 2997** -- Taxes, Sales -- House Finance, Ways and Means Committee

House Bill No. 2998 -- Sumner County -- Local Bill Held on House Desk

House Bill No. 2999 -- Sumner County -- Local Bill Held on House Desk

***House Bill No. 3000** -- Planning, Public -- House State and Local Government Committee

House Bill No. 3001 -- Criminal Procedure -- House Judiciary Committee

House Bill No. 3002 -- TennCare -- House Government Operations Committee

House Bill No. 3003 -- Jefferson County -- House State and Local Government Committee

***House Bill No. 3004** -- Taxes, Sales -- House Finance, Ways and Means Committee

***House Bill No. 3005** -- Juvenile Offenders -- House Agriculture Committee

House Bill No. 3006 -- Welfare -- Caption Bill Held on House Desk

House Bill No. 3007 -- Insurance, Health, Accident -- House Commerce Committee

***House Bill No. 3008** -- Bond Issues -- House Finance, Ways and Means Committee

House Bill No. 3009 -- Motor Vehicles -- House Transportation Committee

***House Bill No. 3010** -- Taxes, Real Property -- House State and Local Government Committee

***House Bill No. 3011** -- Education, Higher -- House Education Committee

***House Bill No. 3012** -- Education, Dept. of -- House Education Committee

House Bill No. 3013 -- Taxes, Sales -- House Commerce Committee

***House Bill No. 3014** -- Taxes, Privilege -- House Finance, Ways and Means Committee

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***House Bill No. 3015** -- Aged Persons -- House Health and Human Resources Committee

House Bill No. 3016 -- Public Funds and Financing -- House Finance, Ways and Means Committee

***House Bill No. 3017** -- Hospitals and Health Care Facilities -- House State and Local Government Committee

House Bill No. 3018 -- Safety, Dept. of -- House State and Local Government Committee

***House Bill No. 3019** -- Railroads -- House Transportation Committee

***House Bill No. 3020** -- Firearms and Ammunition -- House Judiciary Committee

***House Bill No. 3021** -- Bail, Bail Bonds -- House Judiciary Committee

***House Bill No. 3022** -- Bail, Bail Bonds -- House Judiciary Committee

***House Bill No. 3023** -- Taxes, Sales -- House State and Local Government Committee

House Bill No. 3024 -- Revenue, Dept. of -- Caption Bill Held on House Desk

***House Bill No. 3025** -- Taxes -- Caption Bill Held on House Desk

***House Bill No. 3026** -- Lottery -- previously referred to the House Government Operations Committee

***House Bill No. 3027** -- Victims' Rights -- House Judiciary Committee

House Bill No. 3028 -- Taxes, Sales -- House Commerce Committee

***House Bill No. 3029** -- Attorney General and Reporter -- House Judiciary Committee

***House Bill No. 3030** -- Education -- House Education Committee

House Bill No. 3031 -- Dickson County -- Local Bill Held on House Desk

***House Bill No. 3032** -- DUI/DWI Offenses -- House Judiciary Committee

House Bill No. 3033 -- Criminal Procedure -- House Judiciary Committee

House Bill No. 3034 -- Election Laws -- House State and Local Government Committee

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House Bill No. 3035 -- Campaigns and Campaign Finance -- House State and Local Government Committee

***House Bill No. 3036** -- Probation and Parole -- House State and Local Government Committee

House Bill No. 3037 -- Alcoholic Beverages -- House State and Local Government Committee

***House Bill No. 3038** -- AIDS, HIV and STDs -- House Judiciary Committee

House Bill No. 3039 -- Education -- House Education Committee

House Bill No. 3040 -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 3041 -- Traffic Safety -- House Transportation Committee

House Bill No. 3042 -- Psychologists -- House Health and Human Resources Committee

House Bill No. 3043 -- Insurance, Health, Accident -- House Health and Human Resources Committee

House Bill No. 3044 -- Professions and Occupations -- House Health and Human Resources Committee

House Bill No. 3045 -- Taxes, Ad Valorem -- House State and Local Government Committee

***House Bill No. 3046** -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 3047 -- Utilities, Utility Districts -- House Commerce Committee

***House Bill No. 3048** -- State Employees -- House State and Local Government Committee

House Bill No. 3049 -- Taxes, Real Property -- House State and Local Government Committee

House Bill No. 3050 -- Taxes, Exemption -- House State and Local Government Committee

***House Bill No. 3051** -- Real Estate Agents and Brokers -- House Commerce Committee

***House Bill No. 3052** -- Nurses, Nursing -- House Health and Human Resources Committee

House Bill No. 3053 -- Physicians and Surgeons -- House Health and Human Resources Committee

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House Bill No. 3054 -- Managed Care Organizations -- House Commerce Committee

House Bill No. 3055 -- Managed Care Organizations -- House Commerce Committee

House Bill No. 3056 -- Medical Occupations -- House Health and Human Resources Committee

House Bill No. 3057 -- Health, Dept. of -- House State and Local Government Committee

House Bill No. 3058 -- Firefighters -- House Commerce Committee

House Bill No. 3059 -- Pensions and Retirement Benefits -- House Finance, Ways and Means Committee

House Bill No. 3060 -- Juries and Jurors -- House Judiciary Committee

***House Bill No. 3061** -- District Attorneys -- Caption Bill Held on House Desk

House Bill No. 3062 -- Environmental Preservation -- House Conservation and Environment Committee

House Bill No. 3063 -- Motor Vehicles -- House Consumer and Employee Affairs Committee

House Bill No. 3064 -- Pensions and Retirement Benefits -- House State and Local Government Committee

House Bill No. 3065 -- Criminal Procedure -- House Judiciary Committee

House Bill No. 3066 -- Highways, Roads and Bridges -- House Transportation Committee

***House Bill No. 3067** -- Military -- House State and Local Government Committee

***House Bill No. 3068** -- Criminal Procedure -- House Judiciary Committee

***House Bill No. 3069** -- Taxes -- House Finance, Ways and Means Committee

***House Bill No. 3070** -- Municipal Government -- Caption Bill Held on House Desk

***House Bill No. 3071** -- Law Enforcement -- House State and Local Government Committee

***House Bill No. 3072** -- State Government -- House Finance, Ways and Means Committee

***House Bill No. 3073** -- Public Funds and Financing -- House Finance, Ways and Means Committee

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House Bill No. 3074 -- Public Utilities -- Caption Bill Held on House Desk

***House Bill No. 3075** -- Sewage -- House Health and Human Resources Committee

***House Bill No. 3076** -- TennCare -- House Government Operations Committee

***House Bill No. 3077** -- Budget Procedures -- Caption Bill Held on House Desk

House Bill No. 3078 -- Highway Signs -- House Transportation Committee

House Bill No. 3079 -- Alcoholic Beverages -- House State and Local Government Committee

House Bill No. 3080 -- Taxes, Real Property -- Caption Bill Held on House Desk

***House Bill No. 3081** -- Insurance Companies, Agents, Brokers, Policies -- House Finance, Ways and Means Committee

***House Bill No. 3082** -- Pensions and Retirement Benefits -- House Finance, Ways and Means Committee

***House Bill No. 3083** -- Education -- House Education Committee

***House Bill No. 3084** -- Unemployment Compensation -- House Consumer and Employee Affairs Committee

***House Bill No. 3085** -- County Officers -- House Education Committee

House Bill No. 3086 -- Highways, Roads and Bridges -- House Transportation Committee

House Bill No. 3087 -- Teachers, Principals and School Personnel -- House Education Committee

House Bill No. 3088 -- Law Enforcement -- House Health and Human Resources Committee

House Bill No. 3089 -- Environment and Conservation, Department of -- Caption Bill Held on House Desk

House Bill No. 3090 -- Courts -- House Judiciary Committee

***House Bill No. 3091** -- Metropolitan Government -- House State and Local Government Committee

***House Bill No. 3092** -- Fire Prevention and Investigation -- House Commerce Committee

House Bill No. 3093 -- Teachers, Principals and School Personnel -- House Education Committee

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House Bill No. 3094 -- Teachers, Principals and School Personnel -- House Education Committee

House Bill No. 3095 -- Textbooks -- House Education Committee

***House Bill No. 3096** -- Municipal Government -- Caption Bill Held on House Desk

***House Bill No. 3097** -- Game and Fish Laws -- Caption Bill Held on House Desk

House Bill No. 3098 -- Criminal Offenses -- House Judiciary Committee

House Bill No. 3099 -- Human Rights -- Caption Bill Held on House Desk

House Bill No. 3100 -- Motor Vehicles -- House Government Operations Committee

***House Bill No. 3101** -- Alcoholic Beverages -- House State and Local Government Committee

***House Bill No. 3102** -- Education, Higher -- House Education Committee

***House Bill No. 3103** -- Campaigns and Campaign Finance -- House State and Local Government Committee

***House Bill No. 3104** -- Constitutional Conventions -- House Finance, Ways and Means Committee

House Bill No. 3105 -- Taxes, Ad Valorem -- House State and Local Government Committee

House Bill No. 3106 -- Historical Sites and Preservation -- House State and Local Government Committee

House Bill No. 3107 -- Historical Sites and Preservation -- House State and Local Government Committee

House Bill No. 3108 -- Damages -- House Judiciary Committee

House Bill No. 3109 -- Municipal Government -- House Judiciary Committee

House Bill No. 3110 -- Municipal Government -- House State and Local Government Committee

House Bill No. 3111 -- Fiduciaries -- House Judiciary Committee

House Bill No. 3112 -- Real Property -- House Judiciary Committee

House Bill No. 3113 -- Trusts -- House Judiciary Committee

House Bill No. 3114 -- State Employees -- House Finance, Ways and Means Committee

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***House Bill No. 3115** -- Taxes, Income -- House Finance, Ways and Means Committee

***House Bill No. 3116** -- Budget Procedures -- House Finance, Ways and Means Committee

***House Bill No. 3117** -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

***House Bill No. 3118** -- Zoning -- House State and Local Government Committee

***House Bill No. 3119** -- Wills -- House Judiciary Committee

House Bill No. 3120 -- Nurses, Nursing -- House Health and Human Resources Committee

House Bill No. 3121 -- Public Health -- House Health and Human Resources Committee

House Bill No. 3122 -- Aged Persons -- House Health and Human Resources Committee

***House Bill No. 3123** -- Eminent Domain -- House Judiciary Committee

House Bill No. 3124 -- Motor Vehicles -- House Transportation Committee

***House Bill No. 3125** -- Gambling -- House Judiciary Committee

House Bill No. 3126 -- Open Meetings -- House State and Local Government Committee

***House Bill No. 3127** -- Newspapers and Publications -- House State and Local Government Committee

***House Bill No. 3128** -- Game and Fish Laws -- House Conservation and Environment Committee

***House Bill No. 3129** -- Tourism -- House Transportation Committee

***House Bill No. 3130** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

House Bill No. 3131 -- Taxes, Real Property -- House State and Local Government Committee

***House Bill No. 3132** -- Courts, Administrative Office of the -- House Judiciary Committee

***House Bill No. 3133** -- Sexual Offenses -- House Children and Family Affairs Committee

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House Bill No. 3134 -- Mental Health and Developmental Disabilities, Dept. of -- House Health and Human Resources Committee

***House Bill No. 3135** -- Taxes -- House Finance, Ways and Means Committee

***House Bill No. 3136** -- Education -- House Education Committee

***House Bill No. 3137** -- Insurance, Health, Accident -- House Commerce Committee

***House Bill No. 3138** -- Environment and Conservation, Department of -- House Conservation and Environment Committee

***House Bill No. 3139** -- Environment and Conservation, Department of -- Caption Bill Held on House Desk

***House Bill No. 3140** -- Water -- House State and Local Government Committee

***House Bill No. 3141** -- Equalization Board -- House State and Local Government Committee

***House Bill No. 3142** -- Public Records -- House Judiciary Committee

***House Bill No. 3143** -- Taxes, Real Property -- House State and Local Government Committee

***House Bill No. 3144** -- Courts, Probate -- House Judiciary Committee

***House Bill No. 3145** -- Local Government, General -- House Transportation Committee

***House Bill No. 3146** -- Taxes, Ad Valorem -- House Judiciary Committee

***House Bill No. 3147** -- Land, Agricultural and Open Spaces -- House State and Local Government Committee

***House Bill No. 3148** -- Water -- House Government Operations Committee

***House Bill No. 3149** -- Tobacco Master Settlement Agreement -- House Judiciary Committee

***House Bill No. 3150** -- State Government -- Caption Bill Held on House Desk

***House Bill No. 3151** -- Traffic Safety -- Caption Bill Held on House Desk

***House Bill No. 3152** -- Appropriations -- House Health and Human Resources Committee

***House Bill No. 3153** -- Banks and Financial Institutions -- House Commerce Committee

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***House Bill No. 3154** -- Victims' Rights -- House Judiciary Committee

***House Bill No. 3155** -- Tennessee Housing Development Agency -- House State and Local Government Committee

***House Bill No. 3156** -- Education, Dept. of -- House Education Committee

***House Bill No. 3157** -- Taxes -- Caption Bill Held on House Desk

***House Bill No. 3158** -- Taxes -- Caption Bill Held on House Desk

***House Bill No. 3159** -- Education, Dept. of -- House Education Committee

***House Bill No. 3160** -- Consumer Protection -- House Judiciary Committee

***House Bill No. 3161** -- Highway Signs -- House Transportation Committee

***House Bill No. 3162** -- County Government -- House State and Local Government Committee

House Bill No. 3163 -- Water -- House Government Operations Committee

***House Bill No. 3164** -- Taxes -- Caption Bill Held on House Desk

House Bill No. 3165 -- Education, Higher -- House Education Committee

House Bill No. 3166 -- Robertson County -- Local Bill Held on House Desk

House Bill No. 3167 -- Zoning -- House State and Local Government Committee

House Bill No. 3168 -- Governor -- House State and Local Government Committee

***House Bill No. 3169** -- State Government -- Caption Bill Held on House Desk

House Bill No. 3170 -- Public Records -- House Judiciary Committee

House Bill No. 3171 -- Public Records -- House Judiciary Committee

***House Bill No. 3172** -- Election Laws -- House State and Local Government Committee

***House Bill No. 3173** -- Taxes, Income -- House Finance, Ways and Means Committee

***House Bill No. 3174** -- Metropolitan Government -- House State and Local Government Committee

***House Bill No. 3175** -- Metropolitan Government -- House State and Local Government Committee

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House Bill No. 3176 -- Education -- House Education Committee

***House Bill No. 3177** -- Barbers -- House Health and Human Resources Committee

***House Bill No. 3178** -- Mortgages -- House Commerce Committee

House Bill No. 3179 -- Alcoholic Beverages -- House State and Local Government Committee

House Bill No. 3180 -- Pensions and Retirement Benefits -- House Finance, Ways and Means Committee

House Bill No. 3181 -- Military -- House Judiciary Committee

House Bill No. 3182 -- Tennessee Valley Authority -- House State and Local Government Committee

House Bill No. 3183 -- Election Laws -- House State and Local Government Committee

***House Bill No. 3184** -- Drugs -- Caption Bill Held on House Desk

***House Bill No. 3185** -- Taxes, Exemption -- House State and Local Government Committee

***House Bill No. 3186** -- Safety, Dept. of -- House Transportation Committee

***House Bill No. 3187** -- Medical Occupations -- House Health and Human Resources Committee

House Bill No. 3188 -- Criminal Offenses -- House Judiciary Committee

House Bill No. 3189 -- Alcoholic Offenses -- House Judiciary Committee

House Bill No. 3190 -- Public Records -- House Judiciary Committee

House Bill No. 3191 -- Campaigns and Campaign Finance -- House State and Local Government Committee

House Bill No. 3192 -- Pensions and Retirement Benefits -- House Finance, Ways and Means Committee

House Bill No. 3193 -- Election Laws -- House State and Local Government Committee

House Bill No. 3194 -- Land, Agricultural and Open Spaces -- Caption Bill Held on House Desk

***House Bill No. 3195** -- Human Rights -- House Judiciary Committee

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House Bill No. 3196 -- Consumer Protection -- House Commerce Committee

House Bill No. 3197 -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 3198 -- Campaigns and Campaign Finance -- House State and Local Government Committee

***House Bill No. 3199** -- Public Records -- House Judiciary Committee

***House Bill No. 3200** -- Safety -- House Transportation Committee

House Bill No. 3201 -- Sumner County -- Local Bill Held on House Desk

House Bill No. 3202 -- Constitutional Conventions -- House Finance, Ways and Means Committee

House Bill No. 3203 -- Professions and Occupations -- House Health and Human Resources Committee

House Bill No. 3204 -- Pharmacy, Pharmacists -- House State and Local Government Committee

House Bill No. 3206 -- Tipton County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 5, 2002**, reported the following:

AGRICULTURE

The Agriculture Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1818 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 1268 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: Senate Bill(s) No(s). 199 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 6, 2002**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for February 7, 2002**: Senate Bill(s) No(s). 199 and House Bill(s) No(s). 1268.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2176, 2177, 2178, 2179, 2180, 2182, also House Bill(s) No(s). 2175 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2109 and 2055. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 896 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CAPTION BILLS REFERRED
February 6, 2002

Pursuant to **Rule No. 47**, the following Caption Bill(s), 2203 and 2209 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 2203** -- Sheriffs -- House State and Local Government Committee

***House Bill No. 2209** -- Courts, Juvenile -- House Children and Family Affairs Committee

CONSENT CALENDAR

House Resolution No. 200 -- Memorials, Recognition - Rear Admiral Barry C. Black, by *Brooks.

House Resolution No. 201 -- Memorials, Recognition - Lieutenant General John D. Hopper, Jr. by *Brooks.

House Resolution No. 202 -- Memorials, Recognition - Lee A. "Buddy" Archer, Jr. by *Brooks.

House Resolution No. 203 -- Memorials, Recognition - Greater Imani Church and Christian Center Celebration of African American History Month. by *Brooks.

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House Resolution No. 204 -- Memorials, Personal Achievement - Camille Casey, Miss Tennessee Teen All-American 2002. by *Stanley.

House Joint Resolution No. 677 -- Memorials, Personal Occasion - James Ollie and Lydia Mae Hatcher, 60th wedding anniversary. by *McCord, *Bone, *Overbey.

House Joint Resolution No. 678 -- Memorials, Death - Leon "Lee" Crawford Balch. by *Turner (Hamilton).

House Joint Resolution No. 679 -- Memorials, Recognition - Debra Kay Wyatt Hall Kokes. by *Walker, *Curtiss.

House Joint Resolution No. 660 -- Naming and Designating - Designates Columbia Breakfast Rotary Club's annual horseshoe pitching contest as "Tennessee Horseshoe Pitching State Championship.". by *Sands.

Senate Joint Resolution No. 538 -- Memorials, Personal Occasion - William Leo and Marianna Cumbee Smith, 60th Wedding Anniversary. by *Kyle.

Senate Joint Resolution No. 519 -- Memorials, Recognition - Scott Brooks and Ashley Brooks. by *Jackson.

Senate Joint Resolution No. 521 -- Memorials, Death - Raymond Wesley Adcock, Sr. by *Cooper J, *Harper.

Senate Joint Resolution No. 522 -- Memorials, Retirement - Gerald F. Nicely. by *Henry, *Harper, *Haynes, *Herron, *Dixon.

Senate Joint Resolution No. 525 -- Memorials, Death - Donald R. Messimer. by *Crowe.

Senate Joint Resolution No. 526 -- Memorials, Death - Ruth R. Broyles. by *Crowe.

House Bill No. 2631 -- Sevier County - Subject to local approval, creates five school board districts of substantially equal population. by *Montgomery. (SB2858 by *Clabough)

On motion, House Bill No. 2631 was made to conform with **Senate Bill No. 2858**; the Senate Bill was substituted for the House Bill.

Rep. Brooks moved that all members voting aye on House Resolution(s) No(s). 200, 201, 202 and 203 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes95
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 199** -- Redistricting, Congressional - Declares intent that congressional redistricting shall comply with federal and state constitutional mandates and applicable judicial decisions. Amends TCA Title 2 and Title 3. by *Clabough, *Crutchfield. (HB277 by *Davidson, *Rinks, *Arriola, *DeBerry L)

Further consideration of Senate Bill No. 199 previously considered on January 10, 2002, January 17, 2002 at which time it was re-referred to the State and Local Government Committee and January 31, 2002, at which time the Senate Bill was substituted for the House Bill, the House adopted Amendment(s) No(s). 1 and 2, was on the motion to adopt Amendment(s) No(s). 3 and the bill was reset for today's Calendar.

Rep. Davidson moved that Senate Bill No. 199, as amended, be passed on third and final consideration.

Rep. Kernell moved to withdrawn his motion to adopt Amendment No. 3, which motion prevailed.

Rep. Hargett moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Kisber moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 2 as House Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 199 by deleting all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 2-10-310(a), is amended by deleting the subsection in its entirety, and by substituting instead the following language:

(a)(1) Except as provided in subdivisions (2) and (3), from the convening of the general assembly in organizational session through the earlier of the last day of regular session or June 1 in odd years, and from the convening of the general assembly in regular session to the earlier of May 15 or the conclusion of the annual session in even years, no member of the general assembly or a member's campaign committee shall conduct a fundraiser or solicit or accept contributions for the benefit of the caucus, any caucus member or member or candidate of the general assembly or governor.

(2) During such period a member of the general assembly who is a candidate for a local public office shall be permitted to conduct fundraising events and solicit or accept contributions for such campaign for local public office only under the following conditions:

(i) Such fundraising events may be held only in the county in which such member is a candidate for local public office;

(ii) Solicitations and acceptance of contributions for such purposes may only be made from individuals residing in such county;

(iii) Such fundraising events shall not be held, nor contributions be solicited nor accepted, on state property;

(iv) The member shall not be permitted to solicit or accept, directly or indirectly, any actual or in-kind contribution during such period from a lobbyist or employer of a lobbyist; and

(v) No other member of the general assembly or the campaign committee of such other member shall be permitted to solicit or accept contributions during such period for the member campaigning for local public office.

It shall be unlawful for any lobbyist or employer of a lobbyist to make any contribution to such member's campaign committee during such period for any purpose.

(3) All contributions raised as a result of fundraising or a fundraising event authorized and held in accordance with subdivision (2) shall be reported on a form prescribed and provided by the registry of election finance for such purposes. Such form shall be filed with and attached to the applicable campaign finance disclosure report. The following disclosures shall be made on such form:

(A) The amount of contributions collected as a result of such fundraising event;

(B) The date and place such fundraising event was held;

(C) The dates on which such contributions were accepted; and

(D) All other information required by law to be reported on a campaign financial disclosure report.

SECTION 2. Tennessee Code Annotated, Section 2-10-114, is amended by adding the following language as a new subsection (f):

(f) Notwithstanding the provisions of subsection (a), if such member raises funds for such local public office during the time the general assembly is in session in accordance with Section 1 of this act, then any unexpended balance of contributions in the campaign account established by such member of the general assembly for such member's candidacy for local public office, shall not be used for or distributed to a campaign fund for the benefit of any election for any candidate for the general assembly, or for the benefit of any statewide election, or any state, national or other political party, any state, national or other political party caucus or any state, national or other political party caucus member.

SECTION 3. Tennessee Code Annotated, Section 2-10-203(j)(1), is amended by changing the period at the end of the subdivision to a semicolon and adding the following language:

provided, that, such one (1) year prohibition with respect to subsection (h)(1) shall not apply to a member of the registry who resigns from the registry and thereafter qualifies as a candidate for elective office to any state or local public office, nor shall such prohibition apply to making contributions to or participating in the member's own campaign for such election, if the resignation occurs either prior to the qualifying deadline for such election or prior to certifying to the registry of election finance the name and address of the candidate's or committee's political treasurer for such election pursuant to §2-10-105(e), whichever is earlier.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 2 as House Amendment No. 6 was adopted.

Rep. Westmoreland moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Armstrong moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Armstrong moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Hargett moved the previous question, which motion prevailed.

Rep. Davidson moved that **Senate Bill No. 199**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	75
Noes	9
Present and not voting	9

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Maddox, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Davidson), Vincent, Walker, West, White, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Bone, Buttry, Lewis, McCord, McDonald, Newton, Odom, Rhinehart, Windle -- 9.

Representatives present and not voting were: Beavers, Chumney, Cooper, Ferguson, Jones S, Overbey, Scroggs, Towns, Turner (Shelby) -- 9.

A motion to reconsider was tabled.

House Bill No. 1268 -- Real Estate Agents and Brokers - Authorizes real estate brokers who do not engage in activities requiring earnest money to close escrow accounts; specifies method for brokers without escrow accounts who accept earnest money deposits to open new escrow account. Amends TCA Title 62, Chapter 13, Part 3. by *Wood. (*SB1595 by *Carter)

Rep. Wood moved that House Bill No. 1268 be passed on third and final consideration.

Rep. Rhinehart moved adoption of House Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1268 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 13, Part 3, is amended by adding a new section thereto, as follows:

Section 62-13-323.

(a) The principal broker of a real estate firm that does not engage in activities that require the acceptance of any fund belonging to others may receive from the Tennessee real estate commission a waiver from the provisions of § 62-13-321.

(b) Upon receipt of a waiver by the Tennessee real estate commission pursuant to subsection (a), a principal broker may close the real estate firm's escrow account.

(c) The principal broker of a real estate firm authorized pursuant to this act to operate without an escrow account may accept funds belonging to others subject to the following:

(1) The principal broker shall open an escrow account within one (1) business day of accepting such deposit, and deposit such funds into the newly opened escrow account on the same day; and

(2) The principal broker shall notify the Tennessee real estate commission within one (1) business day after opening a new escrow account and shall provide the following information:

(A) The name and address of the bank where the new escrow account was opened;

(B) The name of the new escrow account; and

(C) The account identification number of the new escrow account.

(d) A principal broker who opens an escrow account pursuant to subsection (c) shall acknowledge responsibility to operate under all the requirements of § 62-13-321.

(e) No principal broker may obtain a waiver pursuant to subsection (a) for the same real estate firm more than once each license renewal period.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, House Commerce Committee Amendment No. 1 was adopted.

Rep. Wood moved that **House Bill No. 1268**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1267 -- Forest and Forest Products - Prohibits clear cutting in Standing Stone State Park. Amends TCA Title 11. by *Windle. (*SB281 by *Davis L, *Burks, *Williams.)

Further consideration of House Bill No. 1267 previously considered on May 17, 2001, May 29, 2001, June 4, 2001, January 8, 2002, January 10, 2002 and January 17, 2002, at which time it was reset for today's Message Calendar.

Rep. Turner (Davidson) moved that House Bill No. 1267 be reset for the Message Calendar on February 11, 2002, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Overbey moved that the rules be suspended for the purpose of introducing House Resolution No. 205 out of order, which motion prevailed.

House Resolution No. 205 -- Memorials, Recognition - "Wild Bill" Robinson, Maryville High School orchestra director. by *Overbey, *McCord.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Overbey, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Towns moved that the rules be suspended for the purpose of introducing House Resolution No. 206 out of order, which motion prevailed.

House Resolution No. 206 -- Naming and Designating - Designates February 7, 2002, as "National Black HIV/AIDS Awareness Day." by *Towns.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Towns, the resolution was adopted.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Hood, **House Bill No. 997** was recalled from the House Transportation Committee and withdrawn from the House.

On motion of Rep. J. DeBerry, **House Bill No. 2681** was recalled from the House Commerce Committee and withdrawn from the House.

On motion of Rep. Shepard, **House Bill No. 2705** was withdrawn from the House.

On motion of Rep. Shepard, **House Bill No. 2706** was recalled from the House Education Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 920** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 927** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 929** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 936** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 938** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 943** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 944** was recalled from the House Government Operations Committee and withdrawn from the House.

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On motion of Rep. Kernell, **House Bill No. 947** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 961** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 978** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1046** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1047** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1048** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1049** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1050** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1061** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1066** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1067** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1068** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1612** was recalled from the House Government Operations Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 1613** was recalled from the House Government Operations Committee and withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on Monday, February 11, 2002:

House Bill No. 561: by Rep. Boyer

REPORT OF DELAYED BILLS COMMITTEE
February 7, 2002

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3212, 3213, 3214 and 3215.

Jimmy Naifeh, Speaker
Gene Davidson
Steve McDaniel

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 102: Rep(s). Buck as prime sponsor(s).

House Bill No. 1460: Rep(s). S. Jones as prime sponsor(s).

House Bill No. 1714: Rep(s). Whitson and Davis (Cocke) as prime sponsor(s).

House Bill No. 1834: Rep(s). S. Jones as prime sponsor(s).

House Bill No. 2109: Rep(s). Buck as prime sponsor(s).

House Bill No. 2224: Rep(s). Odom, Briley, Turner (Davidson), Pruitt, S. Jones, Langster and Harwell as prime sponsor(s).

House Bill No. 2360: Rep(s). McCord as prime sponsor(s).

House Bill No. 2476: Rep(s). Fraley as prime sponsor(s).

House Bill No. 2774: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 2885: Rep(s). Lewis as prime sponsor(s).

House Bill No. 2957: Rep(s). Bittle as prime sponsor(s).

House Bill No. 2961: Rep(s). Kisber as first prime sponsor(s).

MESSAGE FROM THE SENATE
February 7, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2057; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENROLLED BILLS

February 7, 2002

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 200, 201, 202, 203, 204, 205 and 206; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

February 7, 2002

The Speaker signed the following: House Resolution(s) No(s). 200, 201, 202, 203, 204, 205 and 206.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

February 7, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1268, also, House Joint Resolution(s) No(s). 660, 677, 678 and 679.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

February 7, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 636, 637, 638, 640, 641, 642, 643, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 662, 663, 664, 665, 666, 668, 669, 675 and 676; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

February 7, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2858; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

February 7, 2002

The Speaker signed the following: Senate Bill(s) No(s). 2858.

MESSAGE FROM THE SENATE
February 7, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2012 and 2795; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2012** -- Courts - Requires person wishing to become credentialed court interpreter for spoken foreign languages to submit fingerprint sample for purpose of criminal history records check being conducted on such person. Amends TCA Title 16, Chapter 3. by *Person, *Williams, Sen.. (HB2158 by *Buck, *McMillan)

***Senate Bill No. 2795** -- Growth and Development - Requires TACIR to monitor, on continuing basis, implementation of growth planning law and to periodically report its findings and recommendations to general assembly. Amends TCA Section 6-58-113. by *Rochelle. (HB2564 by *Turner (Shelby))

ENROLLED BILLS
February 7, 2002

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2057; also, House Joint Resolution(s) No(s). 636, 637, 638, 640, 641, 642, 643, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 662, 663, 664, 665, 666, 668, 669, 675 and 676.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
February 7, 2002

The Speaker signed the following: House Bill(s) No(s). 2057; also, House Joint Resolution(s) No(s). 636, 637, 638, 640, 641, 642, 643, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 662, 663, 664, 665, 666, 668, 669, 675 and 676.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
February 7, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2057; also, House Joint Resolution(s) No(s). 636, 637, 638, 640, 641, 642, 643, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 662, 663, 664, 665, 666, 668, 669, 675 and 676; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
February 7, 2002

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2057; also, House Joint Resolution(s) No(s). 636, 637, 638, 640, 641, 642, 643, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 662, 663, 664, 665, 666, 668, 669, 675 and 676.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
February 7, 2002

The following local bills have been placed on the Consent Calendar for **February 11, 2002**: House Bill(s) No(s). 2117, 2130, 2358, 2374, 2373, 2383, 2552, 2563, 2567, 2704, 2773, 2775 and 2817.

ROLL CALL

The roll call was taken with the following results:

Present95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 5:00 p.m., Monday, February 11, 2002.